# Superintendent’s Memo #331-20

  
**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: December 18, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

**SUBJECT: Waiver of Requirement for Expedited Retakes for Grades 3 through 8**

**Standards of Learning Assessments**

In accordance with Governor Northam’s [Executive Order Fifty-One](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-51-AMENDED-Declaration-of-a-State-of-Emergency-Due-to-Novel-Coronavirus-(COVID-19).pdf) (EO51), the Superintendent of Public Instruction has issued, and Secretary of Education has approved, a waiver of regulatory language related to expedited Standards of Learning (SOL) assessment retakes. The waiver language is as follows:

A waiver of 8VAC20-131-30(B) only as it relates to the expectation that local school divisions provide expedited retakes of Virginia Assessment Program tests for students in grades three through eight who meet the eligibility requirements as defined in the Board of Education’s *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia*. Local school divisions may still, in their discretion, offer expedited retakes based on the existing eligibility criteria for the purpose of evaluating student progress.

This waiver recognizes the logistical challenges of in-person SOL assessment administration and allows local school divisions the choice in whether to administer expedited retakes for grades 3 through 8 SOL tests based on capacity and student need. This waiver does not preclude divisions from continuing to offer expedited retakes for grades 3 through 8 SOL tests at the division’s discretion; however, parental consent for students to participate in expedited retakes in these assessments still remains a requirement. It should be noted that this waiver has no effect on expedited retakes for end-of-course SOL tests needed to earn verified credits.

This waiver is [documented on the Virginia Department of Education website](https://www.doe.virginia.gov/support/health_medical/covid-19/waivers-and-flexibilities.docx). For more information on the expedited retake waiver for grades 3 through 8 SOL assessments, you may contact the Office of Student Assessment at (804) 225-2102 or [student\_assessment@doe.virginia.gov](mailto:student_assessment@doe.virginia.gov).

JFL/lms